

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

RONALD WEAVER,	)	
	)	
Petitioner,	)	
	)	Civil Case No. 99-1045-ST
v.	)	
	)	
JOAN PALMATEER,	)	
	)	
Respondent.	)	
_____	)	

O R D E R

Todd H. Grover  
Attorney at Law  
143 S. W. Shevlin-Hixon Drive, Suite 203  
Bend, Oregon 97702

Attorney for Petitioner

Hardy Myers  
Attorney General  
Jacqueline Sadker  
Assistant Attorney General  
Department of Justice  
1162 Court Street NE  
Salem, Oregon 97310

Attorney for Respondent

KING, Judge:

The Honorable Janice Stewart, United States Magistrate Judge, filed Findings and Recommendation on July 2, 2008. Respondent filed timely objections to the Findings and Recommendation.

When either party objects to any portion of a magistrate's Findings and Recommendation concerning a dispositive motion or prisoner petition, the district court must make a de novo determination of that portion of the magistrate's report. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b); McDonnell Douglas Corp. v. Commodore Business Machines, Inc., 656 F.2d 1309, 1313 (9th Cir. 1981), cert. denied, 455 U.S. 920 (1982). This court has, therefore, given de novo review of the rulings of Magistrate Judge Stewart.

This court ADOPTS the Findings and Recommendation of Magistrate Judge Stewart dated July 2, 2008 in its entirety.

IT IS HEREBY ORDERED that Petitioner's Motion for Relief From the Superceding Judgment (#154) is granted. The Clerk of Court is directed to reopen this action so that Magistrate Judge Stewart can address Grounds Two and Three of the Amended Petition.

DATED this 2<sup>nd</sup> day of October, 2008.

/s/ Garr M. King

GARR M. KING  
United States District Judge